

REMARKS/ARGUMENTS

Claims 1-3, 7, 10, 12-16 and 18-19 remain in this application. Claims 4-6, 8-9, 11 and 17 have been canceled. Claims 20 and 21 have been added.

The examiner had earlier acknowledged that claims 8-9 had been directed to allowable subject matter however, these claims, rewritten as claims 1 and 12, stand rejected upon the citation of new art. The art applied in the rejections does not address the problem solved by the instant invention. These claims have been amended to recite the environment of use and the intended function of the instant invention. In particular, the environment is directed and limited to pilings found on piers. The pilings are constructed of wood or concrete and are defined as the vertical support for decking on piers. Pilings are fixed into the bedding beneath the water and extend out of the water a distance for support of the pier. The weathered nature of the pilings make it dangerous for someone to use as a handhold since the weather wood is subject to splintering and cement provides no frictional surface. Despite this, individuals who use a pier especially older individuals and those who are not sure footed, use the pilings to steady them for entry and existing of boats moored along the pier.

In view of this and the amendment to the claims, none of the references applied in the rejections anticipates the claimed

invention and the combinations of the references do not make it obvious to one of ordinary skill in the art to make or use the claimed invention.

People have a problem with equilibrium and are unstable when moving between an immovable dock and a moving deck of a small boat that constantly moves under the influence of shifting load and water motion. To alleviate the problem, the stationary hand grip of this invention is only temporarily attached to a piling to allow the embarking or disembarking people to hold onto to support and stabilize themselves. The handle can be illuminated, without electrical power, to increase the visibility during operations in low light conditions. The device is releasable from the piling to be carried on the boat for multiple uses at different places.

None of the references used in the rejections, except Delorenzo, approach the problem or the solution. Delorenzo teaches a lighted grab rail on the boat which is permanently mounted to the boat, does not employing a strap system as the instant invention for temporary mounted, and would be considered moving rather than stationary as it does not provide any assistance to the individual for accessing a piling. For instance, if the exit is from the bow or transom of the boat, the Delorenzo handrail does not provide any assistance and could not be moved. Further, the lighted handrail depends on electricity from the boat for illumination. None of the

references use the claimed source of illumination. All the other references teach a portable sling for carrying an object. Kelley teaches a portable sling for carrying a thermos bottle with a flashlight attached. There is no motivation to combine a lighted grabrail on a boat with the portable carrying slings of the other references and, even if there were motivation, the combination would not teach one of ordinary skill in the art to make a stationary handle to attach to an immovable piling.

The applicant's disclosure is the only thing that connects these disparate references together. It is well settled in patent law that the applicant's disclosure cannot be used against him, or stated another way, the test for obviousness is at the time of the invention, not after reading the disclosure.

In response to the Office Action of May 31, 2005 Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejection under 35 USC 103(a)

Claims 1, 3, 5-7, 10, 12, 15 and 16-19 stand rejected as obvious in view of Kelley, Kreutzer and Delorenzo. Kelley teaches a flashlight with a sling for carrying a thermos bottle so the user can see the receptacle for the liquid in the bottle. Kreutzer teaches a sling with belts for carrying things, like connecting a

tire. The sling has a hollow handle for other implements. Delorenzo teaches a boat having a lighted grabrail. There is no motivation for combining these dissimilar devices and functions and even if there were, the result would not be a stationary handle for mounting on an immovable piling for stabilizing movement onto or off a boat.

Claims 2 and 13 stand rejected as obvious in view of Kelley, Kreutzer and Uccellini. None of these references have anything to do with boats or boating or stabilizing passengers getting on and off boats. Neither Kelley nor Kreutzer mention nor have need of a raised inner surface for lifting the thing carried by their slings. There is no motivation for combining the raised inner surface of Uccellini with the slings of Kelley and Kreutzer and even if there were, the combination would not teach one of ordinary skill in the art to make a stationary illuminated handle for supporting passengers onto or off a boat.

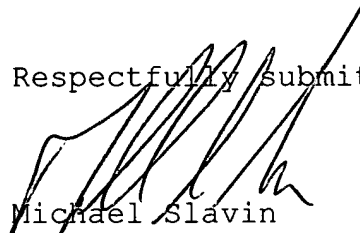
Claims 4 and 15 stand rejected as obvious in view of Kelley and Kelley and Kreutzer. The remarks make above, in general, and in relation to the rejection of claims 1 and 12 are repeated here.

Claim 20 was added as there is no reference for a safety handle that limits the environment to a vertical piling with a textured surface so that the handle will not slide along the vertical piling when attached.

SUMMARY

The Examiner is authorized to charge any fees associated with this response to Deposit Account No. 130439. In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,


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